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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 TROLL BUSTERS® LLC,

11 Plaintiff,

12 vs.

13 ROCHE DIAGNOSTICS GMBH; ROCHE
14 MOLECULAR SYSTEMS; ROCHE
15 APPLIED SCIENCES EUROGENTEC
16 NORTH AMERICA INC.; CLONTECH
17 LABORATORIES INC.; INTEGRATED
18 DNA TECHNOLOGIES; LIFE
19 TECHNOLOGIES CORPORATION
20 QIAGEN NV.; THERMO FISHER
21 SCIENTIFIC, INC.; QUANTA
22 BIOSCIENCES, INC.; GENE LINK INC.;
23 GENSCRIPTS USA INC.; EMD
24 CHEMICALS INC.; TRILINK
25 BIOTECHNOLOGIES INC.; and
26 CEPHIED,

27 Defendants.

Case No. 11-cv-0056-IEG-WVG

**(1) ORDER CONTINUING THE HEARING
ON DEFENDANTS' MOTIONS TO
DISMISS**

(2) SCHEDULING ORDER

[Doc. Nos. 90, 91, 92, 94, 96, 102, 103, 105,
107, 111, and 114]

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Defendants in the above-captioned matter have either filed or joined motions to dismiss Plaintiff's complaint. A hearing on those motions is currently scheduled for June 13, 2011.

Defendants have also challenged the constitutionality of 35 U.S.C. § 292, a federal statute affecting the public interest. Defendants provided notice of their constitutional challenges pursuant to Federal Rule of Civil Procedure 5.1; the first such notice was filed on May 4, 2011.

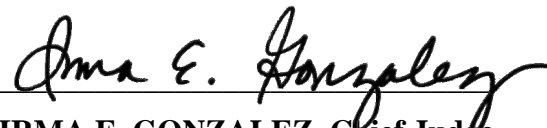
1 Rule 5.1(c) provides that the Attorney General of the United States may intervene within sixty
2 after such notice is filed.

3 Accordingly, the Court continues the hearing on Defendants' motions to dismiss from
4 June 13, 2011, to **Friday, August 12, 2011, at 2:00 p.m.** Plaintiff shall file any opposition to
5 Defendants' motions on or before June 13, 2011. Defendants shall file any replies on or before
6 June 27, 2011.

7 Should the United States choose to intervene, it should take appropriate action on or
8 before July 5, 2011. The parties may respond to any filing by the government on or before July
9 19, 2011. The government may file a reply on or before July 26, 2011.

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11 **IT IS SO ORDERED.**

12
13 **DATED:** 5/26/11

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15 **IRMA E. GONZALEZ, Chief Judge**
16 **United States District Court**
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